



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,966	11/15/2000	Robert Wing	3354-9	5187

22442 7590 10/22/2004

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT PAPER NUMBER

2154

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/713,966

Applicant(s)

WING ET AL.

Examiner

Mohammad A Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 27-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26,39 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-26, and 39-40 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 39, and 40, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Inadequate written description for the claimed limitation: a client **account number** from said server to said browser; placing said **account number** in a title bar of a browser window; and passing said **account number** to said client application; and wherein said client application copies said **account number** from said browser window (claim 39, lines 23-26 and claim 40, lines 20-24).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1, 3-23, and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Bereiter et al. (6,357,017) (hereinafter Bereiter).

6. As per claim 1, Bereiter discloses a method for remotely diagnosing a computer, comprising:

establishing a first communication channel between a server (fig 2, col 4, lines 62-66) and a communications interface associated with a client computer (col 6, lines 36-40);

establishing a second communication channel between a client application operating on said client computer (secure channel, col 6, lines 44-47) and said server (fig 2), wherein said first communication channel is

logically separate from said second communication channel (col 6, lines 34-40);

in response to a signal associated with said communications interface and received by said server (fig 2), downloading a first diagnostic tool (col 4, lines 47-51) from said server to said client application (fig 2, col 4, lines 47-51);

executing said first diagnostic tool using said client application (col 2, lines 30-35);

returning a result from said client application to said server (col 2, lines 35-36); and returning a disposition from said server to said communications interface (col 2, lines 36-40).

7. As per claim 3, Bereiter discloses further comprising:

establishing a user record in a database associated with said server corresponding to said client computer (col 5, lines 55-61), wherein said record includes a status field (track results, col 6, lines 1-3);

in response to a signal received from said communications interface (col 6, lines 12-24) setting said status field to a first value (col 6, lines 12-26);

executing a second diagnostic tool using said client application in response to said client application detecting said first value in said user record (diagnostic map, col 6, lines 12-26).

8. As per claim 4, Bereiter discloses in response to a signal received from said client application, setting said status field to a second value after said step of executing a said second diagnostic tool is essentially complete (track results, col 6, lines 1-3 and col 6, lines 12-26);

displaying a next page in response to said communications interface (multiple TCP connections, col 6, lines 34-40) detecting said second value in said user record (col 6, lines 20-29).

9. As per claim 5, Bereiter discloses wherein said client application polls said server to detect said first value (iteration, col 5, lines 1-11).

6. As per claim 6, Bereiter discloses said communications interface polls said server to detect said second value (iterative nature, col 5, lines 1-11).

10. As per claim 7, Bereiter discloses
using said communications interface, prompting a user to select a potential computer problem (col 6, lines 29-33);

in response to said user's input, downloading and executing a third diagnostic tool using said client application (diagnostic map, 86, fig 5, col 6, lines 12);

returning a result of executing said third diagnostic tool to said server (84, fig 5); and

displaying a disposition to said user using said communications interface (monitor and interact, col 5, lines 29-33).

11. As per claim 8, Bereiter discloses wherein said server compares said result of executing said third diagnostic tool to a plurality of stored results (historic views, col 6, lines 6-9), wherein each of said stored results is associated with one of a plurality of dispositions (historic views, col 6, lines 1-10), and wherein said server returns at least a first disposition of said plurality of dispositions to said communications interface dispositions (historic views, col 6, lines 1-10).

12. As per claim 9, Bereiter discloses said second diagnostic tool traps an error message generated on said client computer (responsive to occurrence, col 3, lines 16-21), and wherein said step of returning a result to said server comprises returning said trapped error message to said server (responsive to occurrence, col 3, lines 16-21 and col 5, lines 1-6).

13. As per claim 10, Bereiter discloses in response to a signal from said communications interface and received by said server (col 5, lines 1-6), downloading a second client diagnostic tool from said server to said client application (sequence of maps, col 2, lines 45-52);

executing said second client diagnostic tool (col 2, lines 45-52); and
returning a result from said client application to said server (col 2, lines 35-40).

14. As per claim 11, Bereiter discloses disposition comprises information concerning at least one of a list of installed hardware, a list of installed software, a hardware fault, a software fault, a recommendation to perform a maintenance procedure and a source for obtaining further information (col 2, lines 17-19 and col 8, lines 19-21).

15. As per claim 12, Bereiter discloses
providing at least a partial inventory of devices installed on said client computer to a user (col 7, lines 45-47 and col 3, lines 4-11); and
prompting the user of said client computer (col 6, lines 29-33) to
identify one or more additional installed devices (col 3, lines 25-40).

16. As per claim 13, Bereiter discloses storing at least a partial inventory of devices installed on said client computer in a database associated with said server (knowledge base, col 7, lines 45-47 and col 3, lines 4-21).

17. As per claim 14, the claim is rejected for the same reasons as claim 1, above.

18. As per claim 15, Bereiter discloses wherein said computer network comprises the Internet (col 4, line 10).

19. As per claim 16, Bereiter discloses a first of said client diagnostic tools creates a first inventory of hardware and software installed on said client computer (col 3, lines 8-16).

20. As per claim 17, Bereiter discloses said first inventory is returned to said communications interface (col 2, lines 35-40).

21. As per claim 18, The claim is rejected for the same reasons as claim 11, above.

22. As per claim 19, Bereiter discloses said referral to an additional source of repair information comprises providing at least one of a telephone number, a mailing address, an e-mail address and a Universal Resource Locator (col 3, line 8, col 5, lines 27-31).

23. As per claim 20, the claim is rejected for the same reasons as claims 1-13, above.

24. As per claim 21, the claim is rejected for the same reasons as claim 8, above.

25. As per claim 22, Bereiter discloses downloading a third diagnostic tool to said computer (col 7, lines 29-32);
executing said third diagnostic tool using said client application (col 7, lines 19-32), wherein an application resident in said computer is opened, and wherein information concerning the opening of said resident application is returned to said server (col 7, lines 19-32).

26. As per claim 23, Bereiter discloses said information comprises at least one of a time to load said resident application, an error message, and a time to exit said resident application (result set is negative, col 7, lines 19-32).

27. As per claim 25, Bereiter discloses said step of executing said first diagnostic tool is initiated in response to said client application detecting a first value in a user record stored on said server (col 7, lines 45-47), wherein said first value is entered in said user record in response to a signal received from said communications interface (col 7, lines 16-24).

28. As per claim 26, the claim is rejected for the same reasons as claim 4, above.

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claims 2 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bereiter et al. (6,357,017) (hereinafter Bereiter) in view of Bates et al. (6,314,439) (hereinafter Bates).

31. As per claims 2 and 24, Bereiter discloses downloading a client identifier (col 8, lines 55-57) from said server to said browser (col 6, lines 6-10);

passing said identifier to said client application (fig 6A-6B, col 8, lines 55-57),

Bereiter is silent about the placing said identifier in a title bar of a browser window; wherein said client application copies said identifier from said browser window. However, placing information on a title bar, status bar or any where in the web page is well known in the art. Bates for example, discloses the placing of identifier in a title bar of a browser window (col 1, lines 41-55);

wherein said client application copies said identifier from said browser window (col 1, lines 41-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teaching of Bereiter with Bates because Bate's use of placing information on title bar of the browser window would provide Bereiter's system a capability of displaying information on any region of the browser in a real time.

32. Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bereiter et al. (6,357,017) (hereinafter Bereiter) in view of Bartoli et al. (6,047,268) (hereinafter Bartoli).

33. As per claim 39, Bereiter discloses a method for remotely diagnosing a computer, comprising comprising:

establishing a communication between a server and a communications interface associated with a client computer (fig 2, col 4, lines 62-66), wherein said communications interface includes a browser (col 4, lines 37-41);

establishing communication between a client application operating on said client computer and said server (col 6, lines 34-40);

in response to a signal associated with said browser and received by said server (col 2, lines 30-40), downloading a first diagnostic tool from said server to said client application (col 4, col 47-51);

executing said first diagnostic tool (col 2, lines 30-32);

returning a result from said client application to said server (col 2, lines 30-40);

returning a disposition from said server to said browser (col 2, lines 30-40 and col 4, lines 53-57);

Bereiter does not explicitly disclose downloading a client account number from said server to said browser;

placing said account number in a title bar of a browser window; and

passing said account number to said client application, wherein said client application copies said account number from said browser window.

However, transferring client information from the server and vice versa, displaying information on the specific area of the browser, copying from one window to another using cookies window are well known in the art. Bartoli, for example, discloses placing said account number in a title bar of a browser window (col 2, lines 44-55); and passing said account number to said client application, wherein said client application copies said account number from said browser window (col 2, lines 44-55 and col 3, lines 28-34). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Bereiter with Bartoli because Bartoli's use of cookie which contains user identification/account information and resides on client computer would provide Bereiter's system storing client registration information on the client system and using it for billing and client authentication purpose.

34. As per claim 40, the claim is rejected for the same reasons as claim 39, above. In addition, Bereiter discloses installing said client application on said computer (col 4, lines 47-51);

returning said at least partial inventory of said hardware (col 2, lines 17-19) from said client application to said server (col 2, lines 35-40);

downloading a second diagnostic tool to said computer (communication back and forth between client and server, col 5, lines 1-12 and col 2, lines 30-35);

executing said second diagnostic tool using said client application (col 5, lines 1-12 and col 2, lines 30-35), wherein at least a first functional test of at least apportion of said installed hardware(col 2, lines 17-19) is performed (col 2, lines 35-40);

returning a first result from said first functional test to said server (col 2, lines 35-40);

analyzing said first result (col 2, lines 35-40);

Response to Arguments

35. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

36. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

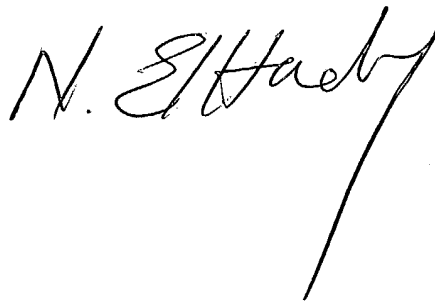
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (703) 305-0353. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS

A handwritten signature in black ink, appearing to read "N. El-Hachy", with a long, sweeping diagonal stroke extending downwards and to the right.